



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, July 9, 2014

7:00 PM

Council Chamber

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#### CALL TO ORDER:

#### INVOCATION:

*Council Member Andy Morris, Ward 4*

#### PLEDGE OF ALLEGIANCE:

#### PRESENTATIONS:

#### PROCLAMATIONS:

#### ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

#### SCHEDULED APPEARANCES:

#### UNSCHEDULED APPEARANCES:

#### CONSENT AGENDA:

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

#### MINUTES:

\*      **20140737      Regular Meeting - June 11, 2014**

Review and approval of the June 11, 2014 regular meeting minutes.

**MAYOR'S APPOINTMENTS: (for informational purposes only)**

**CITY COUNCIL APPOINTMENTS:**

\*      **20140733      Planning Commission Appointment**

Appointment of Kent Rosenbury to the Planning Commission (Ward 1) for a term of two years, expiring July 10, 2016.

\*      **20140551      Ethics Committee Council Appointment**

Appointment of Susan Connor to the Ethics Committee for a two (2) year term expiring July 10, 2016.

**ORDINANCES:**

\*      **20140461      Z2014-08 Rosa Lee Collins 443 Roosevelt Circle**

Z2014-08 [REZONING] ROSA LEE COLLINS request rezoning for property located in Land Lot 11620, District 16, Parcel 0080, 2nd Section, Marietta, Cobb County, Georgia and being known as 443 Roosevelt Circle from R-4 (Single Family Residential-4 units/acre) to R-4 (Single Family Residential 4 units/acre) with additional use as a duplex. Ward 5B.

*Planning Commission recommends approval w/stipulation      Vote: 6 – 0 – 0*

*Motion:      Mr. Vanderslice made a motion, seconded by Mrs. McCrae, to recommend to city council, that the additional use as a duplex be approved with the following stipulation:*

*Stipulations: The additional use will disappear if the structure is substantially modified.*

*PUBLIC HEARING (all parties are sworn in)*

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20140732      Denial of Claim**

Denial of the claim of Dorothy Fortson Steeple.

\*      **20140780      Denial of Claim**

Denial of the claim of Robert Pike.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

\*      **20140719      Request for Proposal for 994 and 1010 Roswell Street**

Motion to authorize staff to issue a Request for Proposal to obtain bids for the sale of the City-owned property located at 994 and 1010 Roswell Street.

\*      **20140746      GDOT Northwest Corridor-Sound Barriers**

Motion for Mayor and City Council to vote to request that NO sound barrier be installed along City-owned property bordering I-75 (Section #21) of the NW Corridor Managed Lane Project by GDOT.

**2. Finance/Investment: Stuart Fleming, Chairperson**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20140700      Revision to the Detailed Plan for Manget Phase I: L-7 Guest House**

Motion to approve the request by homeowner, Roger Goodstein, to convert the area above the detached garage into a dwelling unit for his mother-in-law.

\*      **20140731      Rezoning for Custer Park Recreation Center Expansion**

Motion to authorize advertising required to rezone the property located at 500 North Fairground Street, 545 Kenneth E. Marcus Way and 586 Kenneth E. Marcus Way from PRD-MF [Planned Residential Development (Multi-Family)] to OI (Office Institutional) to allow for the expansion of the Custer Park Recreation Center.

**20140714      Detailed Plan for 425 North Sessions Street**

Motion to approve the detailed plan for 425 North Sessions Street, including the attached site plan, landscape plan and architectural renderings prepared by Summit Engineering Consultants, Inc. for Sessions Street Townhomes; signed by the applicant, Rebby Dougherty, and dated July 9, 2014. All stipulations and conditions approved at the time of rezoning on September 8, 2004 (Z2003-29), including the letter of stipulations from Richard Calhoun of Brock, Clay, Calhoun & Wilson, P.C. to Mayor Bill Dunaway, dated September 7, 2004, will remain in effect, except that item #7 will be revised to read as follows:

7. Elevations will be substantially the same as the elevation drawing presented to the City at the July 7, 2004, mediation of the above case.

Further, the applicant acknowledges that the four (4) parking spaces within the public right of way along Sessions Street are public parking spaces and are non-exclusive in regards to the proposed development.

In addition, the applicant agrees to indemnify the City by separate indemnity agreement which shall also include a maintenance agreement for the parking spaces. Such agreement shall be recorded on the deed records of Cobb County, Georgia, and shall be binding on the applicant, the homeowners association and all future purchasers. This document and requirement shall be placed in the association bylaws and recorded on the plat.

**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****\*      20140206      335 Allgood Road**

Motion to Table this matter until the August 13, 2014 City Council meeting. The purpose of this motion is to give both parties additional time to conduct further negotiations in order for the city to acquire the property through negotiations with the owner through their attorneys.

**5. Personnel/Insurance: Johnny Walker, Chairperson****\*      20140734      Revision to the Personnel Rules and Regulations**

Motion approving the addition of new language to the Personnel Rules and Regulations addressing employees and firearms on City of Marietta/BLW property.

**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson**

\*      **20140703      ATT Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for utility work shown on the following permit requests:

1. ATT project 4FW48296N for overlash of existing fiber optic cable along Haynes Industrial Drive and Industrial Park Drive.

This motion does not grant a perpetual variance. ATT must relocate underground at their expense if other utilities at the location are moved underground.

\*      **20140705      Cobb Parkway at White Circle Intersection Improvement Project**

Motion to approve concept for White Circle Intersection Improvement Project to include turn lanes from Cobb Parkway north bound to White Circle and from White Circle to Cobb Parkway.

\*      **20140735      Lakewood Drive Right of Way**

Public Hearing for the closure and abandonment of a portion of Lakewood Drive right of way.

\*      **20140744      Request for Speed Limit Signs**

Motion to approve request by Council Member Walker for a speed limit change to 25mph on the following streets --Kirkpatrick Dr, Hazel St and Pomeroy. Further, approval to install a 25mph speed limit sign on Henderson Street.

*Council Member Morris voting against*

**20140745      2016 SPLOST Project List**

Motion to approve 2016 SPLOST update/revision to city project list, as amended.

**OTHER BUSINESS:**

**20140775      MOU between the City of Marietta and Marietta Redevelopment Corporation**

This memorandum of understanding dated July 9, 2014 is between the City of Marietta (City) and the Marietta Redevelopment Corporation (MRC) to provide "in-kind" support for the MRC by the City for the period of July 1, 2014 to December 31, 2017 as described in the attached MOU.

*This item is being placed on the agenda at the request of Mayor Tumlin.*

- \* **20140788** Three (3) Year Plan for Square Makeover/Improvements  
Motion for 3 Year Plan incorporating feasibility examination (costs, source of funds, infrastructure design) for Square Makeover/Improvements including, but not limited to:
- Parking Meters
    - Parking Management
    - Dedication of Parking Meter Fees (net of annual capital improvements, maintenance, and operation costs) for a restrictive use for Downtown Business District through current term of council (12/31/17).
    - Invest in high tech parking meters
  - Dumpsters off Street
    - A better, cleaner, esthetically pleasing, efficient way of servicing trash
    - Expense and capital outlay
    - funding
  - Extension of Sidewalk on North Park, West Park, and East Park Square
    - Leaving 3 lanes of traffic on North, West and East Park Square (note all “feeders” into the square are at most 3 lanes with all on North and South being 2 Lanes and only 2 3 lanes on East side, in other words, do we need 4 lanes for 1 block?)
    - Retaining parking on each, just further out
    - Would allow for more square flexibility for functions without closing of the street (i.e., Chalk Fest)
  - Purchase of square parcel for purpose of:
    - Create tourism center/promotion on square
    - Public Rest Rooms included in new building for functions and park thus eliminating portables and overall lack thereof
    - 2nd floor for governmental/community purpose
    - Improve on existing Square eye sore/distraction

*This item was added at the request of Mayor Tumlin and Council Member Walker.*

***Motion to table this item and refer it to the July 30th Parks, Recreation and Tourism Committee and Public Works Committee Meetings.***

- \* **20140789** Downtown Marietta Development Authority / First Baptist Church of Marietta Parking Intergovernmental Agreement
- Motion to approve assignment of “Agreement as to Parking Facilities” dated July 11, 1979 from the Downtown Marietta Development Authority to the City of Marietta. The owner of the property which is the subject matter of release is the First Baptist Church of Marietta.

*This item was added at the request of Mayor Tumlin.*

***Motion to table this item and refer it to the July 30th Judicial Legislative Committee Meeting***

\*      **20140796      HB489 Intergovernmental Agreement**

Discussion and Motion to approve Intergovernmental Agreement between the City of Marietta and Cobb County, Georgia regarding millage rate within the City of Marietta pursuant to O.C.G.A. § 36-70-20.

*This item was added at the request of Mayor Tumlin.*

\*      **20140803      680 Franklin Road, 600 Franklin Road (F/K/A 610 Franklin Rd) and 650 Franklin Road**

Motion authorizing acquisition of a portion of property and easements at 680 Franklin Road, 600 Franklin Road (F/K/A 610 Franklin Rd) and 650 Franklin Road from Summerour Farm, LLLP, Bentley Farm Properties, LLLP and James William Bentley Jr. Estate for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$330,510.00.

Stipulation on 600 Franklin Road (F/K/A 610 Franklin Road):

1. City agrees to replace unused driveway to a location chosen by the owners.

\*      **20140804      875 Franklin Road**

Motion authorizing acquisition of a temporary driveway easement at 875 Franklin Road from Wood Glen Apartment Associates, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments.

**20140802      V2014-08 AMENDED GPS Hospitality D/B/A Burger King**

V2014-08 [AMENDED VARIANCE] GPS HOSPITALITY D/B/A BURGER KING request variances for property located in Land Lot 03610, District 17, Parcel 0320, 2nd Section, Marietta, Cobb County, Georgia and being known as 650 S. Marietta Parkway, currently zoned CRC (Community Retail Commercial). Ward 1A.

(1) Variance from Section 712.08, Tree Protection and Landscaping to maintain the site as currently landscaped;  
(2) Variance from Section 712.09, Commercial Corridor Design Overlay District;  
(3) Variance from Section 714.06 (C.6), Nonconforming Signs to keep the current sign. These variances are approved for the current developed property only as shown on the attached site plan by Gaskins Engineering & Surveying for Burger King Renovation, dated January 28, 2014, and should be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure.

The following application is incorporated as a condition of granting the requested variances:

- (1) The applicant shall replace the square on top of the pylon sign containing the Burger King logo with a 10 ft. wide circle containing said logo;
- (2) The applicant shall install a 3 ft. tall brick foundation to the current pylon sign.

**\*      20140738      BLW Actions of the July 7, 2014**

Review and approval of the July 7, 2014 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:****ADJOURNMENT:**